

REMARKS

I. STATUS OF THE CLAIMS

Claims 31-59 are currently pending. Of these, claim 37 is allowed.

II. CLAIM OBJECTIONS

The claims are amended as suggested by the Examiner, to thereby overcome the objection.

III. PRIOR ART REJECTIONS

Claim 31 recites, among other recitations, cutting away a portion of the multilayer film stack, wherein (a) more than one alternating layer of high refractive index material and low refractive index material of the multilayer film stack, having said portion cut away, *adjusts a wavefront phase of emerging rays*, and (b) said cutting away cuts away said portion *in accordance with an amount of adjustment of the wavefront phase*.

Claim 31 is rejected as being anticipated by Itou, US Patent No. 5,272,744 (hereafter "Itou"). The Examiner specifically refers to FIG. 6 and the disclosure in column 5, lines 37-46, of Itou.

As shown in FIG. 6(a) of Itou, a defective portion 6 exists on the surface later of multi-layer 2. Itou removes films of the multi-layer 2 in order to repair the defective portion 6. See, for example, column 5, lines 8-49, of Itou.

Therefore, in Itou, the films of the multi-layer 2 are removed in order to repair defective portion 6. In Itou, the films are NOT removed to adjust an amount of wavefront phase.

For example, column 5, lines 37-40, of Itou, specifically discloses that "the phase of X-ray reflected by the reflective multi-layer free of defect and that of X-ray reflected by the defect-repaired reflective multi-layer are *the same, exerting no influence on the projected images.*" (emphasis added). More specifically, as indicated in column 5, lines 32-40, of Itou, the thickness of the removed portion of the multi-layer 2 was 67 nm, corresponding substantially to an integer multiple of $\lambda/2 \times \cos\alpha$, so that the phase is not changed.

Therefore, in Itou, the films are NOT removed to adjust an amount of wavefront phase.

Accordingly, Itou does not disclose or suggest that "said cutting away cuts away said portion *in accordance with an amount of adjustment of the wavefront phase*, as recited, for example, in claim 31.

In fact, since Itou specifically discloses that the phase of X-ray reflected by the reflective multi-layer free of defect and that of X-ray reflected by the defect-repaired reflective multi-layer are *the same, exerting no influence on the projected images*, it is respectfully submitted that Itou "teaches away" from the present invention as recited, for example, in claim 31.

The above comments are specifically directed to claim 31. However, various claims are rejected either solely over Itou, or over Itou as a primary reference in combination with other references. Therefore, it is respectfully submitted that the above comments are helpful in understanding various differences of various other claims over the various prior art rejections set forth in the Office Action.

* * *

Claim 59, as presented in the Amendment filed July 20, 2007, recited that a portion of the correction film and the stack is cut away in accordance with an amount of adjustment of a wavefront phase of emerging rays. On page 11, third paragraph, of the outstanding Office Action, the Examiner asserts that this recitation was not given patentable weight since it relates to a method, which is not germane to the issue of patentability of the device itself. Therefore, claim 59 is amended herein to more structurally recite that "the correction film and the stack each have a cut away portion corresponding to an amount of adjustment of a wavefront phase of emerging rays". Accordingly, it is respectfully submitted that this recitation should be given patentable weight, and the claim should now be allowable over the cited references.

* * *

It is respectfully submitted that all the prior art rejections are overcome for at least the reasons described above.

IV. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

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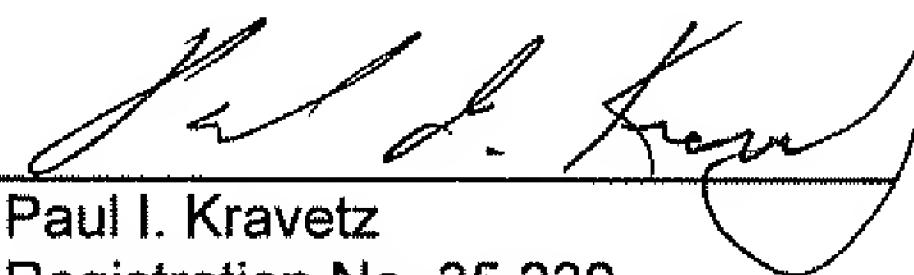
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If there are any additional fees associated with filing of this Amendment, please charge the fees to our Deposit Account No. 19-3935.

Respectfully submitted,

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